The Builder.

No. CXXII.

SATURDAY, JUNE 22, 1844.

FOLLOWING this week our assigned course of proceeding, we again take up the subject of our commentary upon the proposed new Metropolitan Building-Act. We have this moment received a copy of the report of the Builders' Society, but regret that from our late reception of it we have as yet been unable to profit by any suggestions which it may contain; at the same time we may say that from the temperate and proper mode in which that society's former report was worded, we have confident hope not only that it may contain valuable suggestions, but that their tone is such as to give them the greater likelihood of being complied with: though we have gone through the schedules of the Bill as amended, we think it better to postpone till next week the publication of our remarks on that part of the measure taking, in the mean while, the opportunity for making another review of them, so that we may speak with still greater confidence as to their correctness, policy, and profitable working; till then we invite all suggestions from those who understand sufficiently practical building, and the legal working of Acts of Parliament, and who have a general acquaintance with the subject; for that which one or two eyes may fail of discovering after a strict search, often even a casual observer fortuitously discovers at once; one thing, indeed, has somewhat surprised us, which is, that out of the multitude of letters sent to us, so very few relate to a measure so important as the one in question, as though it were generally imagined that any change in so vital a statute must be for the better; whereas no measure is the case, as is most amply attested by the many unsuccessful attempts to produce a really good statute. We are confident in stating that by far the greater part of the evils complained of under the present Act are purely imaginary, arising from ignorance of its nature and provisions on the part of those who make such assertions. The chief requirements under a new statute are suitableness to the altered times, extended operation, oblivion of the obsolete restrictions of the present Act, improvement where experience has shewn defects, the preventing of abuses, and encouraging of good building by wise ameliorations of those astringent bars in the present statute which almost compel a resort to technical evasions in some cases, in order to carry forward building at all.

Clause 43 ought to contain summary power for the instant removal of chimney-pots, tiles, and other loose matters, which commonly affect storms, and on many other occasions, are loose, and frequently merely lie upon the roofs of buildings, ready with the next gust of wind to be blown down upon passengers.

The words "*required to remove*" are still inelegantly retained in this clause.

Clause 44, for the reimbursement of the expense of making good damage caused by the fall of chimneys, should contain, in addition to recovery of the value of the building and furniture, provision for the recovery of the value of goods or merchandize, or other property so damaged.

The 46th clause provides for the recovery of the reasonable expenses of shoring up adjoining buildings, but does not render such shoring up imperative upon the party building; so that as by common law no man is obliged to shore up his neighbour's building, or even to give him notice to do so, the party building (if he doubt the likelihood of repayment, or fear allegation, that through unskilful shoring he has suffered the adjoining building to fall) may decline to shore up such building.

We think the 47th clause should not declare it THE DUTY of the party building to make his claim WITHIN TWENTY-ONE DAYS for any portion of work to repayment for which he may be entitled.

The wording of clause 49 has been corrected as we suggested.

Clause 50.—"And be it enacted, with regard to such costs and expenses of works executed under this Act, so far as relates to contribution thereto by persons bound or liable to make contribution, that for the purpose of enabling the party upon whom the payment of such costs and expenses shall fall, either in the first instance or subsequently, to obtain contribution from other persons, being part owners IN LIKE DEGREE, it shall be lawful for every such first-mentioned person, whether he be freeholder, copyholder, leaseholder, mortgagee in possession, and whatever may be his interest or the nature and extent of such his interest, and whether he hold in his own right, or in right of others, and whatever may be the kinds and degrees of their respective interests; and he is hereby entitled to a contribution from every other person having as owner an interest in the premises of whatever kind or degree; which contribution is to be computed, according to the amount of his interest, in proportion to that of other persons interested, so far as such persons may be known, or can be reached by process of law or equity; and that it shall be lawful for any party so interested, and he is hereby entitled to require the official-referees to settle and determine the same, by their award, and their decision shall be final; and that if the person upon whom the payment of such costs and expenses shall have fallen, have paid, in respect of the interest of another or others, either unknown or who could not be reached by process of any court of law or equity, more than his own just proportion, then, on the production of such award, duly made, signed, and sealed, it shall be lawful for such person to have and exercise against other parties against whom such award shall be made, and he is hereby entitled to the like remedies, to compel payment of money, as are hereby given for compelling the first payment of such costs and charges of such expenses."

This clause (in the Bill before amended numbered 49) still contains the incongruity of setting out by laying expenses upon *part owners*, in like degree, and then providing for all manner of interests; we think it not improbable that excessive litigation would arise from acting under this clause; in very many cases no two persons would have interest in *like degree*. We must refer again in Mr. Bartholomew's observations upon the subject. We think this part of the Bill would "*water-log*" itself.

From clause 53 the minimum dimension of inhabited rooms of *one square* has been expunged. The forbidding rooms to be occupied as dog-kennels requires explanation; is it intended, that no dog may be kept within a house?

Clause 54.—We think among the dangerous businesses, floor-cloth manufactories should be clearly expressed; most of those established have been burnt, and some twice within a very few years; wadding factories have all been burnt; the cotton-wool spread on strings throughout every part of such buildings in a few seconds, involving the whole in flame.

We must again refer strongly to Mr. Bartholomew's observations relative to the 55th and 56th clauses.

Clause 66. And be it enacted, with regard to such surveyors to be hereafter appointed under this Act, except district surveyors appointed to new districts, so far as relates to the ensuring the possession of due scientific and practical qualifications, that it shall be the duty of the official referees, and of the president and vice-presidents for the time being of the Royal Institute of British Architects, and of the president and vice-presidents for the time being of the Institution of Civil Engineers, and they are hereby authorized to examine any persons who may present themselves to be examined for the purpose of obtaining a certificate of qualification, with the view of becoming candidates for the office of surveyors of metropolitan buildings of any district within the limits of this Act, and that for that purpose it shall be lawful for such examiners from time to time to appoint such times as to them may seem fit, and from time to time to prescribe such course of examination as to them may seem fit, and that when such rules shall have been registered by the registrar of metropolitan buildings, they shall continue to be in force until they shall be amended, altered or rescinded by other rules to be made by such examiners and so registered; and that unless one week before the election of a surveyor for any district created by this Act, or for any district in respect of which the office of surveyor may become vacant, there be produced by or on the part of any person being candidate for the said office, a certificate of such examiners, certifying that he has been examined, and that he was thereby found to be duly qualified for such office, it shall not be lawful for any justices, by this Act empowered to appoint surveyors, to appoint such person to be such surveyor, and that if such person be so appointed, his election to such office shall be void."

We hardly know what benefit could possibly result from the president of the Royal Institute of British Architects being an examiner, he being neither an architect nor a surveyor; we happen to know that with the "Institute," a knowledge of the technical niceties of the present Building-Act does not flourish; and we believe a worse choice of examiners could not be made. We have all respect for the scientific knowledge of the president and vice-presidents of the Institution of Civil Engineers; but there again we must say their practice leads them to any thing but a mature knowledge of metropolitan building-jurisprudence. As none but a madman would choose judges from any but those who practise at the bar, so prudence and decency require that the examiners should be those who practise in the department of the Building-Act. The examiners, therefore, should be the registrar, official referees, and district-surveyors, and no others. After the publication of the two pamphlets, called "Transactions of the Royal Institute of British Architects," in which are promulgated roofings and foundation-works, which have entirely broken up and gone to utter ruin, no confidence whatever can be placed in the astuteness of that institution. While bearing every respect for its individual members, we are compelled to say, that it would be an insult to the profession at large, which it by no means represents, and the confidence of which it most undoubtedly does not possess, to give it any corporate power over that profession. It is formed on no broad basis, except that of a fashionable, extravagant expenditure; for these reasons we have resisted all importunities to membership with it. And there is an extensive belief that the "Institute" will in seven years be no longer in existence; there is indeed no other instance of a body with similar funds, and professing so much, which has in a similar way misconducted itself. Its proceedings and published transactions form a bitter contrast with those of the Institution of Civil Engineers and of the Royal Corps of Engineers, and have humiliated English architecture in the face of all Europe; it has been thought *respectable* to join that society, but we never thought so.

In clause 71 and elsewhere our suggestion has been followed, in so changing the words "her present Majesty," that if the Act endure, the phraseology may still be appropriate.